

# SENATE GENERAL WELFARE COMMITTEE AMENDMENT 1

Amendment No. 1 to SB2309

Ford  
Signature of Sponsor

**AMEND Senate Bill No. 2309**

**House Bill No. 2290\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting Sections 1 and 2 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 2, is amended by adding as a new Part 5 the following language:

Section 71-2-501. (a) It is the intent of the legislature that the State of Tennessee, through the bureau of TennCare, be designated as the authorized representative for elderly and disabled enrollees who are eligible Medicare beneficiaries but have lost or may lose eligibility for TennCare benefits due to changes in the TennCare program, for the purpose of facilitating and effectuating enrollment in a Medicare-approved Prescription Drug Discount Card program or programs and applying for Transitional Assistance Program Medicare drug benefits pursuant to 42 U.S.C. sections 1395 et seq. As the eligible enrollee's legally authorized representative for this purpose, TennCare may designate or select one or more programs as preferred plans for purposes of automatically enrolling said Medicare beneficiaries to expedite access to prescription drug discounts and secure related transitional assistance payments for those Medicare enrollees eligible for such assistance.

(b) To expedite and assure enrollment of individuals into a program, TennCare may enroll a Medicare-eligible beneficiary in a program or programs and apply for available transitional assistance on the enrollees behalf in the absence of any action or application of the individual beneficiary seeking such enrollment or assistance, provided that each individual so enrolled shall be informed of the following:

(1) In advance of enrollment in a program, the state's intent to enroll the individual in a program unless the individual informs TennCare within ten (10) day of receipt of such notice that the individual does not want to be so enrolled.

(2) The procedures by which the individual may disenroll from the preferred Sponsor's Program;

(3) The existence of alternative Medicare-approved Prescription Drug Discount Card Sponsors in the region in which the individual resides; and

(4) The means through which the individual may change his enrollment to an alternative Sponsor or may obtain assistance in doing so.

(c) TennCare shall determine the procedures for automatic enrollment in a preferred Sponsor's Program and application for transitional assistance, where applicable.

Section 71-2-502. (a) In facilitating automatic enrollment, TennCare may do one or all of the following:

(1) Enter into a contract with one or more Program Sponsors to facilitate automatic enrollment.

(2) Identify those Medicare eligible enrollees that meet the federal income criteria for transitional assistance.

(3) Preliminarily enroll the beneficiary into a preferred Sponsor's Program

(4) Apply for Medicare transitional assistance program benefits through the Medicare Transitional Assistance Program on behalf of an eligible enrollee.

(5) Preliminarily enroll beneficiaries into a preferred Program, with an opt-out provision for the individual.

Section 71-2-503. The program established in this part is not, nor does it anyway create, an entitlement.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.